

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-cv-157-GCM**

ERIC DARDEN,

Plaintiff,

vs.

TRANSUNION,

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff filed this civil action without paying the filing fee, and sought to proceed *in forma pauperis*. [Doc. 2]. On May 24, 2022, the Court denied the Plaintiff's Application to proceed *in forma pauperis* without prejudice to pay the filing fee or to file a complete Application within 14 days. [Doc. 3]. The Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice. [*Id.*]. The May 24 Order was mailed to the Plaintiff at his address of record on the same day it was entered. The Plaintiff has not paid the filing fee or filed a complete Application to proceed *in forma pauperis*, and the time to do so has expired.

The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's May 24, 2022 Order.
2. The Clerk of this Court is directed to close this case.

Signed: June 16, 2022

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

